

1                   **SPARKS, TEHAN & RYLEY, P.C.**

2                   7503 First Street  
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                  (602) 949-7587 FAX

4 Joe P. Sparks, State Bar I.D. No. 002383  
5 Kevin T. Tehan, State Bar I.D. No.005175  
6 John H. Ryley, State Bar I.D. No. 002095  
7 Attorneys for Plaintiff

8                                   UNITED STATES DISTRICT COURT  
9                                   FOR THE DISTRICT OF ARIZONA  
10                                  PHOENIX DIVISION

11 **SAN CARLOS APACHE TRIBE**           )  
12 **OF ARIZONA,**                            )  
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Cause No. CIV 79-186 PHX-PGR

**NOTICE OF DISMISSAL OF CERTAIN  
CLAIMS TO WATER**

vs.

**STATE OF ARIZONA, et al.,**  
**Defendants.**

17                   The San Carlos Apache Tribe (herein "the Apache Tribe"), Plaintiff, pursuant to Rule  
18 41(a) of the Federal Rules of Civil Procedure, gives Notice of Dismissal with prejudice of all claims  
19 against the THE STATE OF ARIZONA, THE STATE LAND DEPARTMENT OF THE STATE  
20 OF ARIZONA; and JOHN M. LITTLE and SALT RIVER VALLEY WATER USERS'  
21 ASSOCIATION, Defendants in this action, as to surface water to the Black River and the Salt River  
22 below its confluence with the Black River, as specified in that Settlement Agreement dated March  
23 \_\_, 1999 between and among the Tribe, the United States, the Salt River Valley Water Users'  
24 Association, the Salt River Project Agricultural Improvement and Power District and other parties  
25 pursuant to the San Carlos Apache Tribe Water Rights Settlement Act of 1992 PL-102-575, as  
26

1 amended, hereafter referred to as the "Settlement Agreement," which is attached and made a part  
2 of this Notice.

3 . . .

4 . . .

5 RESPECTFULLY SUBMITTED this \_\_\_\_ day of March, 1999.

6 SPARKS, TEHAN & RYLEY, P.C.  
7

8 By \_\_\_\_\_

9 Joe P. Sparks  
10 Kevin T. Tehan  
11 John H. Ryley  
12 7503 First Street  
13 Scottsdale, AZ 85251  
14 Attorneys for the Plaintiff, San Carlos  
15 Apache Tribe

16 **COPIES** of the foregoing mailed  
17 this \_\_\_\_ day of March, 1999, to:

18 Joseph E. Clifford, III  
19 Assistant Arizona Attorney General  
20 1275 W. Washington Street  
21 Phoenix, AZ 85007-2997

22 John B. Weldon, Jr.  
23 M. Byron Lewis  
24 Salmon, Lewis & Weldon, P.L.C.  
25 4444 N. 32nd Street, Suite 200  
26 Phoenix, AZ 85018

27 Michael Pearce  
28 Arizona Dept. of Water Resources  
29 Litigation Support Section  
30 Adjudications Division  
31 500 N. Third Street  
32 Phoenix, AZ 85004

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Attorneys for Plaintiff

7                                   UNITED STATES DISTRICT COURT  
8                                   FOR THE DISTRICT OF ARIZONA  
9                                   PHOENIX DIVISION

10  
11 SAN CARLOS APACHE TRIBE       )  
12 OF ARIZONA,                       )  
  Plaintiff,       )  
13                                        )  
14 vs.                                    )  
15 STATE OF ARIZONA, et al.,        )  
  Defendants.       )

Cause No. CIV 79-186 PHX-PGR  
**MOTION TO LIFT STAY TO FILE  
NOTICE OF DISMISSAL OF CERTAIN  
CLAIMS TO WATER**

16  
17                   The San Carlos Apache Tribe (herein "the Apache Tribe"), Plaintiff, moves for an  
18 order lifting the stay in these proceedings entered by order of the Ninth Circuit Court of Appeals  
19 on December 9, 1983 on the grounds that Plaintiff has partially settled its claims and wishes to  
20 dismiss that portion of the complaint comprising those claims as well as claims for declaratory  
21 and/or injunctive relief premised upon those claims. A copy of the proposed Notice of Dismissal  
22 as to Certain Claims pursuant to Rule 41(a) of the Federal Rules of Civil Procedure is attached.  
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RESPECTFULLY SUBMITTED this \_\_\_\_ day of March, 1999.

SPARKS, TEHAN & RYLEY, P.C.

By \_\_\_\_\_  
Joe P. Sparks  
Kevin T. Tehan  
John H. Ryley  
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Attorneys for the Plaintiff, San Carlos  
Apache Tribe

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